



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

August 27, 1996

Mr. Miles K. Risley
Assistant City Attorney
City of Victoria
Legal Department
P.O. Box 1758
Victoria, Texas 77902-1758

OR96-1542

Dear Mr. Risley:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32857.

The City of Victoria (the "city") received an open records request for the police department records pertaining to the alleged assault and kidnapping of a fifteen year old girl. You contend that because the requested records concern the investigation of an allegation of child abuse, the requested records may be withheld under section 552.101 of the Government Code in conjunction with section 34.08 of the Family Code.

Section 552.101 excepts "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." We note that section 34.08 of the Family Code has been repealed and replaced by section 261.201 of the Family Code. *See* Act of April 20, 1995, 74th Leg., R.S., ch. 20, § 1, 1995 Tex. Sess. Law Serv. 113, 262 (Vernon); Act of May 25, 1995, 74th Leg., R.S., ch. 751, § 93, 1995 Tex. Sess. Law Serv. 3924 (Vernon). Section 261.201(a) of the Family Code provides:

The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

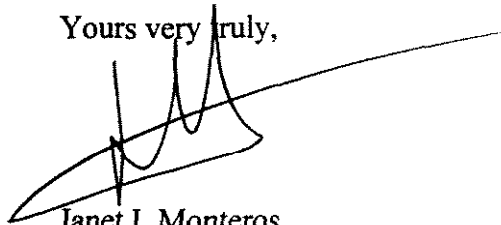
(1) a report of alleged or suspected abuse or neglect [of a child] made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, *the files, reports, records, communications, and working papers used or developed in an investigation under this chapter or in providing services as a result of an investigation.*

Act of May 25, 1995, 74th Leg., R.S., ch. 751, § 93, 1995 Tex. Sess. Law Serv. 3924 (Vernon) (Emphasis added). You state that the Victoria Police Department has not adopted rules that would permit access to the requested records. Because the information at issue pertains to an investigation of child abuse, this office agrees that the city must withhold the requested records in their entirety pursuant to section 261.201 of the Family Code under section 552.101 of the Government Code.¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Janet I. Monteros', written over a horizontal line.

Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/RWP/rho

Ref.: ID# 32857

Enclosures: Submitted documents

¹Because we resolve your request under section 261.201 of the Family Code, we need not address the applicability of section 552.103 of the Government Code to these records.